

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion and present amendments, is respectfully requested.

Claims 1-6 are pending in the above-identified application. No claims are amended. Claims 5 and 6 are newly added. Support for newly added Claims 5 and 6 can be found in Figs. 3 and 4. No new matter is added.

In the outstanding Office Action, Claim 1 was provisionally rejected on the ground of obviousness-type double-patenting over claim 5 of co-pending Application No. 10/706,977 (herein "'977"). Claim 1 was provisionally rejected on the ground of obviousness-type double-patenting over claim 1 of co-pending Application No. 10/330,092 (herein "'092"). Claim 1 was provisionally rejected on the ground of obviousness-type double-patenting over claim 2 of co-pending Application No. 10/330,092 (herein "'092"). Claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Kinpara et al. (U.S. Patent No. 6,186,331, herein "Kinpara"). Claims 2-4 were rejected under 35 U.S.C. § 103(a) as obvious over Kinpara in view of Otaguro (U.S. Patent Pub. 2002/0064439, herein "Otaguro").

### TRAVERSAL OF THE PROVISIONAL OBVIOUSNESS-TYPE DOUBLE-PATENTING REJECTION OVER '977

Regarding the provisional rejection of Claim 1 on the ground of obviousness-type double-patenting over claim 5 of co-pending application '977, that rejection is respectfully traversed.

The analysis of obviousness-type double patenting rejections is analogous to the analysis of rejections under 35 U.S.C. § 103 for obviousness over prior art.<sup>1</sup> "When

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<sup>1</sup> MPEP § 804(I)(B)(1) states: A double patenting rejection of the obviousness-type is "analogous to [a failure to meet] the nonobviousness requirement of 35 U.S.C. 103" except that the patent principally underlying the double patenting rejection is not considered prior art. In re Braithwaite, 379 F.2d 594, 154 USPQ 29 (CCPA 1967). Therefore, any analysis employed in an obviousness-type double patenting rejection parallels the

considering whether the invention defined in a claim of an application is an obvious variation of the invention defined in the claim of a patent, the disclosure of the patent may not be used as prior art."<sup>2</sup>

The outstanding rejection based on '977 states that the rejection is based on there being "only slight stylistic wording differences/inclusions" as between Claim 1 of this application and Claim 5 of '977. This interpretation has ignored that Claim 1 recites, among other limitations,

wherein when the wafer transferring operation is performed, the clean box is fixed with a first clearance around the entire perimeter of the clean box having a predetermined distance between the opening formed plane of the clean box and the outside surface of the part of the wall in which the first opening portion is formed.

Accordingly, Claim 1 of the present application requires the clean box to be "fixed with a first clearance around the entire perimeter" thereof. The first clearance is "between the opening formed **plane** of the clean box and the **outside surface of the part of the wall where the first opening is formed,**" (emphasis added).

On the other hand, Claim 5 of '977 includes no such features. In this regard, Claim 5 of '977 only recites:

A wafer processing apparatus including a mini-environment portion forming a pressurized chamber therein, said apparatus comprising:  
a first opening formed on a part of a wall of the pressurized chamber formed by the mini-environment, the first opening being configured to face an opening of a clean box so as to allow loading and unloading of a wafer between the clean box and the mini-environment portion;  
a door configured to open and close the first opening; and  
a gas flow path formed between the door and the first opening so as to encircle the first opening when the door is closed, wherein a flow rate of a gas flowing through the gas flow path is substantially equal to a flow rate of the gas flowing from the pressurized chamber to the exterior of the mini-environment portion through the opening when the door is opened.

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guidelines for analysis of a 35 U.S.C. 103 obviousness determination. In re Braat, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985).  
<sup>2</sup> MPEP § 804(I)(B)(1).

Applicants respectfully submit that it is clear that Claim 5 of '997 does not recite at least the above-noted feature of the “first clearance” that must be between the plane of the clean box opening and the outside surface of the part of the wall where the first opening is formed, all as required by Claim 1 of the present application. Thus, more than a slight “stylistic” difference is present.

Accordingly, the provisional obviousness-type double patenting rejection of Claim 1 in view of Claim 5 of '977 is respectfully submitted to be overcome for at least the reasons discussed above.

#### TRAVERSAL OF THE PROVISIONAL OBVIOUSNESS-TYPE DOUBLE-PATENTING REJECTIONS OVER '092.

Regarding the provisional rejection of Claim 1 on the ground of obviousness-type double-patenting over Claim 1 of co-pending application '092, that rejection is also respectfully traversed.

Once again, this provisional rejection suggests that there are also “only slight stylistic wording differences/inclusions” between Claim 1 of '092 and Claim 1 of the present application. However, Claim 1 of '092 only recites:

A wafer processing apparatus comprising:  
a chamber that is pressurized to a pressure that is higher than the pressure of the exterior thereof;  
a first opening portion through which the interior and the exterior of said chamber are in communication with each other, and through which a wafer to be processed is transferred between the exterior to the interior;  
and  
a door that closes said first opening portion;  
wherein when said door is positioned so as to close said first opening portion; an aperture through which the interior and the exterior of said chamber are in communication with each other exists.

Similar to the subject matter difference discussed above regarding '997, Claim 1 of '092 clearly does not recite the feature of Claim 1 of this application as to a clearance between the

plane of the clean box opening and the outside surface of the part of the wall where the first opening is formed. This difference is again far more than a “stylistic” difference as asserted.

Accordingly, this provisional obviousness-type double patenting rejection based on Claim 1 of '092 is also respectfully submitted to be overcome for the above-noted reasons.

Regarding the provisional rejection of Claim 1 on the ground of obviousness-type double-patenting over Claim 2 of co-pending application '092, that rejection is also respectfully traversed based on the fact that Claim 2 of '092 does not include or suggest the above-noted claim feature.

Claim 2 of '092 recites:

A wafer processing apparatus comprising:  
a mini-environment portion that performs processing of a wafer;  
a clean box having a lid, in which a wafer is stored;  
a first opening portion for allowing loading and unloading of the wafer between said clean box and said mini-environment; and  
a door that closes, when the transfer of the wafer is not performed, said first opening portion and opens, when the transfer of the wafer is performed, said opening;  
wherein said mini-environment portion is pressurized to a pressure higher than the pressure of the exterior at which the wafer before loading and after unloading is located, and  
when said door is positioned so as to close said first opening portion, an aperture through which the interior and the exterior of said chamber are in communication with each other exists.

As with the previously discussed claims, Claim 2 of '092, does not recite any clearance between the plane of the clean box and the outside surface of the wall.

Accordingly, Applicants respectfully submit that this provisional rejection of Claim 1 on the ground of obviousness-type double patenting based on Claim 2 of '092 is overcome for at least the reasons discussed above.

#### TRAVERSAL OF REJECTION OF CLAIM 1 AS ANTICIPATED BY KINPARA

Regarding the rejection of Claim 1 as anticipated by Kinpara, that rejection is respectfully traversed by the present response.

As discussed above, Claim 1 requires the feature of a “first clearance” between the opening formed **plane** of the clean box and the **outside surface of the part of the wall where the first opening is formed**.

The outstanding Office Action relies on the gap 27 of Kinpara for teaching this “first clearance” feature of Claim 1.<sup>3</sup> However, the gap 27 of Kinpara is formed between the outer peripheral surface of the door 35 and the inner peripheral surface of the wall 21, i.e., the inner peripheral surface of the opening 23. As shown in Fig. 4, when wafer transfer is performed, the container 11 is partially inserted into the wall 21. The plane formed by the opening of the container 11 intersects or is flush with the inside surface of the wall 21 above the container 11. Below the container, the plane of the opening in the container 11 intersects the door 25 which is sandwiched between parts of the wall 21. Thus, no clearance is taught or suggested to be formed between the opening formed **plane** of the clean box and the outside surface of the part of the wall in which the first opening portion is formed as required by independent Claim 1. Accordingly, Applicants respectfully submit that independent Claim 1 patentably distinguishes over Kinpara for at least the reasons discussed above.

TRAVERSAL OF REJECTION OF CLAIM 2-4 AS OBVIOUS OVER KINPARA  
IN VIEW OF OTAGURO

Regarding the rejection of dependent Claims 2 and 3 as obvious over Kinpara in view of Otaguro, that rejection is respectfully traversed. As discussed above, independent Claim 1 patentably distinguishes over Kinpara. Otaguro does not correct the above-noted deficiencies of Kinpara. Therefore, Claims 2 and 3 depending from Claim 1 patentably distinguish over Kinpara for at least the same reasons that independent Claim 1 does.

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<sup>3</sup> Outstanding Office Action at 3, item 7.

In addition, dependent Claims 2-3 add further features not taught or suggested by Kinpara considered alone or in any proper combination with Otaguro. Thus, it is respectfully submitted that dependent Claims 2-3 patentably distinguish over the applied reference for this reason as well.

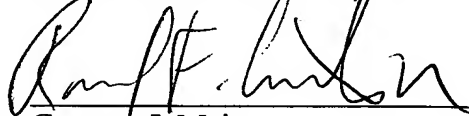
Independent Claim 4 recites substantially similar features to those discussed above regarding independent Claim 1 and patentably distinguishes over the cited references for at least the same reasons.

Newly added Claims 5 and 6 depend from independent Claims 1 and 4, respectively. Accordingly, Claims 5 and 6 patentably distinguish over the cited references for at least the same reasons as the claims from which they depend. In addition, these new claims require that "an opening of the first clearance is directed along a direction different from a direction along which the first opening portion faces," a feature clearly not taught or suggested by the applied references.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)  
GJM/RFC/LS:pch

Raymond F. Cardillo, Jr.  
Registration No. 40,440